



PUBLIC NOTICE AND AGENDA

MTC Executive Committee Meeting
Hyatt Regency Islandia—San Diego, CA
1:00 pm-5:00 pm—Thursday, January 13, 2005
9:00 am-4:00 pm—Friday, January 14, 2005

Informational Session for State Personnel
8:00 am-9:00 am—Friday, January 14, 2005

- I. Welcome and Introductions
- II. Public Comment Period
- III. Minutes of the Meetings of November 11-12, 2004 and December 9, 2004
- IV. Resolution of Appreciation for the Contributions of Carol Fischer to the Commission
- V. Report of Nominating Committee and Election of Officers and Executive Committee Member
- VI. Treasurer's Report
- VII. Chair's Report
- VIII. Executive Director's Report
- IX. Report from Strategic Planning Session
- X. Executive Director Search
 - A. Search Committee and Process
 - B. Possible Closed Session

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (a) and (e), an item may be scheduled for a confidential session because it involves the appointment of an employee of the Commission or the

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discharging of responsibilities related to salaries, salary schedules or compensation paid in the form of fringe benefits.

XI. Committee and Program Reports

Public Session

- A. Uniformity Committee and Public Hearings on Uniformity Proposals
 - 1. Model Combined Reporting Statute
 - 2. Model Affiliate Nexus Statute
 - 3. Model Reportable Transactions and Inconsistent Filing Legislation
 - 4. Model Expense Addback Legislation
- B. Combined Registration Committee
- C. Technology Committee
- D. Audit Committee
 - 1. Sampling Manual Process
 - 2. Other Items
- E. Nexus Committee
- F. Training Program

Closed Session

- G. Nexus Program and Committee Report on Confidential Matters and Minutes of the Nexus Program Closed Session of November 11-12, 2004.
 - 1. Minutes
 - 2. Nexus Program and Committee Report on Confidential Matters

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (c), this item is scheduled for a closed session because it involves confidential taxpayer information, the disclosure of which is prohibited by law. Pursuant to the Commission's Public Participation Policy, Section 16, the consideration of minutes is scheduled for a confidential session because that policy requires that the minute book of a closed session be kept confidential.

- H. Audit Program and Committee Reports on Confidential Matters and Minutes of the Closed Session of November 11-12, 2004, on All Matters Other than the Nexus Program.

- 1. Minutes
- 2. Audit Program and Committee Reports on Confidential Matters

Pursuant to the Commission's Public Participation Policy, Section 15, Subsections (c) and (f), an item is scheduled for confidential session when

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it involves the discussion of confidential tax return or data the disclosure of which is prohibited by law; or as pending litigation if it involves a current adjudicatory proceeding to which the Commission or a member State is a party; or if it involves significant exposure to litigation against the Commission or a member State; or if this body needs to decide if a significant exposure to litigation exists or if the Commission or a member State is initiating or making a decision to initiate litigation.

I. Commission Personnel Matters (if any)

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (a) and (e), an item may be scheduled for a confidential session because it involves confidential personnel information or the discharging of responsibilities related to salaries, salary schedules or compensation paid in the form of fringe benefits.

J. Exchange of Information Agreement Issues

Pursuant to the Commission's Public Participation Policy, Section 15, Subsections (c) and (f), an item is scheduled for confidential session when it involves the discussion of confidential tax return or data the disclosure of which is prohibited by law; or as pending litigation if it involves a current adjudicatory proceeding to which the Commission or a member State is a party; or if it involves significant exposure to litigation against the Commission or a member State; or if this body needs to decide if a significant exposure to litigation exists or if the Commission or a member State is initiating or making a decision to initiate litigation.

XII. State Tax Compliance Initiative

- A. Items Referred to Committees and Task Forces
- B. Joint MTC/FTA Information Sharing and Compliance Task Force
 - 1. Task Force Report, Charter and Work Plan
 - 2. State Participation
- C. Recommendations Retained by the Executive Committee
 - 1. Overhaul of UDITPA—Continued Discussion of Draft Issue Paper
 - 2. Deferred Items:
 - (a) Enforcement of Doing Business Standards.
 - (b) Proactive Role on Federal Legislation Affecting State Tax Compliance.
 - (c) Publicizing MTC Uniformity Proposal on Pass-through Entity Reporting.
 - (d) Formation of a Pass-through Entity Liaison Group with the IRS.
- D. Possible Closed Session to Consider Compliance Issues Regarding Litigation or Cases Involving Confidential Taxpayer Information.

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Pursuant to the Commission's Public Participation Policy, Section 15, Subsections (c) and (f), an item is scheduled for confidential session when it involves the discussion of confidential tax return or data the disclosure of which is prohibited by law; or as pending litigation if it involves a current adjudicatory proceeding to which the Commission or a member State is a party; or if it involves significant exposure to litigation against the Commission or a member State; or if this body needs to decide if a significant exposure to litigation exists or if the Commission or a member State is initiating or making a decision to initiate litigation.

XIII. Federal Issues Affecting State Tax Systems

- A. Legislation Directly Affecting State Taxes:
 - 1. Technology and Telecommunications Issues: Internet Access; Voice over Internet Protocol, and the Telecommunications Act of 1996 (anticipated rewrite in 109th Congress).
 - 2. Business Activity Taxes.
 - 3. Streamlined Sales Tax Legislation.
- B. Legislation Affecting Federal and State Tax Bases: Federal Tax Restructuring and IRS Appropriations.
- C. Possible Closed Session Related to Litigation and Confidential Taxpayer Information

Pursuant to the Commission's Public Participation Policy, Section 15, Subsections (c) and (f), an item regarding pending litigation may be scheduled for a closed session, it involves confidential taxpayer information, the disclosure of which is prohibited by law it involves a current adjudicatory proceeding to which the Commission or a member State is a party; if it involves significant exposure to litigation against the Commission or a member State; if this body needs to decide if a significant exposure to litigation exists; or if the Commission or a member State is initiating or making a decision to initiate litigation.

XIV. Sales Tax Issues

- A. State Department Proposal for Sales Tax Exemption for Diplomats
- B. Electronic Registration Systems: Traditional and Streamlined
- C. Streamlined Sales Tax Developments

XV. Legal Developments

- A. Recent Amicus Briefs Filed
- B. New Amicus Brief Requests (if any)

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- C. Other Legal Developments of Note
- D. Possible Closed Session for Litigation

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (f), an item relating to pending litigation may be scheduled for a closed session if it involves a current adjudicatory proceeding to which the Commission or a member State is a party; if it involves significant exposure to litigation against the Commission or a member State, if this body needs to decide if a significant exposure to litigation exists; or if the Commission or a member State is initiating or making a decision to initiate litigation.

- XVI. Proposed Amendment to Public Participation Policy
- XVII. Future Meeting Plans
- XVIII. Adjournment